

Remarks

Claims 1-20 are pending in the above-identified application. Claims 1, 8, and 15 are amended, claims 2, 9, 10, 13, 16 and 17 are cancelled, and claims 3-7, 11, 12, 14 and 18-20 are original.

The Examiner objected to claims 1, 8, and 15 and rejected claims 1, 8, and 15 under 35 U.S.C. 112. With this amendment Applicant has amended claims 1, 8, and 15 to overcome the objection and rejection. Therefore the Examiner is respectfully requested to reconsider the objection and rejection.

The Examiner rejected claims 1, 3-8, 11, 12, 14, 15 and 18-20 under 35 U.S.C. 102(a) as being anticipated by Luzzati et al.

The following legal requirement is quoted from MPEP 2131 and establishes what is required to sustain a rejection under 35 U.S.C. §102. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the Office Action's citations to each of the applied references is missing at least one element of each of Applicants' independent claims, Applicants respectfully submit that the claimed invention is not anticipated by the Office Action's citations to the applied references, as further discussed below.

The independent claims have been changed to more clearly define the present invention by inclusion of the following features in each of the independent claims: wherein new mobile configuration data is updated in the network subscriber database and then downloaded to the mobile station if the configuration data was updated via user interfaces that are unassociated with the mobile station.

On page 7 of the specification user interface is explained as follows: "This data can then be manipulated via: a conversant voice system, a web-based graphical user interface (GUI) application over the Internet, a PC-based application using a Wi-Fi link with the mobile station, and directly from the mobile station itself."

Also on page 7 of the specification user interface is explained as follows: "In at least one embodiment these changes to mobile configuration data, regardless of user interface, cause the new mobile configuration data to be updated in the network subscriber database and then be downloaded to the mobile subscriber's handset (mobile station) if the data was updated via user interfaces, such as a conversant voice system or a web-based GUI application over the Internet."

Therefore, the amendment of the claims overcomes the rejection of the claims under 35 U.S.C. 102(a).

However, Luzzati et al. does not disclose or suggest each of the claimed elements of the independent claims as described above. In particular, for example, Luzzati et al. does not disclose each of the elements of the independent claims.

The dependent claims include all the limitations of the respective independent claims upon which they depend, and are therefore also allowable over the cited prior art for the reasons set forth above with respect to independent claims.

Reconsideration and withdrawal of the rejections is therefore respectfully requested. In view of the above remarks, allowance of all claims pending is respectfully requested.

The prior art made of record and not relied upon is considered to be of general interest only. This application is believed to be in condition for allowance, and such action at an early date is earnestly solicited. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



John R. Garrett
Attorney for Applicant
Reg. No. 27,888

Dated: October 13, 2008

Patti, Hewitt & Arezina LLC
Customer Number 47382